

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES of AMERICA

v.

HERIBERTO RODRIGUEZ,

Defendant.

**Criminal No.
05-40006-FDS**

ORDER OF EXCLUDABLE TIME

SAYLOR, J.

On September 11, 2006, defendant moved that this Court continue the trial, presently scheduled for October 16, 2006, for approximately 10 weeks. As reasons therefor, counsel for defendant stated that the parties are attempting to resolve the case by a plea; that counsel needs to conduct a further investigation into defendant's criminal record; and that there are issues raised by the pre-plea presentence report that need to be addressed with probation. To accommodate defendant's request, the trial was continued. A status conference will be held in this Court on November 15, 2006, at which time the Court expects to schedule a new trial date.

On motion of the defendant, and because the ends of justice served by granting this request outweigh the interest of the public and the defendant in a speedy trial, the period of time from October 16, 2006, until the new trial date to be determined by this Court, shall be excludable under the Speedy Trial Act pursuant to **18 U.S.C. §§ 3161(h)(1)(F) and 3161(h)(8)(A)**.

So Ordered.

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge

Dated: **September 15, 2006**